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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/526,802 03/16/00 PARASRAMPURIA

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EXAMINER

GAZI, S

ART UNIT

PAPER NUMBER

1616

DATE MAILED:

07/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/526,802

Applicant(s)

Parasampuria et al

Examiner

Sabiha N. Qazi

Art Unit

1616



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 16, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-35 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☒ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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Restriction/Election - 35 U.S.C. 121

Instant invention is drawn to the compounds

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims are drawn to claims 1-4, **classified in class 514 , subclass 169+.**

II. **Claims are drawn to claims 11-14,** classified in class 514 , subclass 178.

III. Claims 15 are drawn to, classified in class 514 , subclass 178+.

IV. Claims 16 are drawn to, classified in class 514 , subclass 170+.

V. Claims 17 are drawn to, classified in class 514 , subclass 169+.

VI. Claims 18-21 are drawn to claims 18-21, classified in class 514 , subclass 169+.

VII. Claims 5-8 and 10 are drawn to claims 18-21, classified in class 514 , subclass 169+.

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VII. Claims 18-21 are drawn to, classified in class 514 , subclass 169+.

VIII. Claims 22-25 and 27 are drawn to, classified in class 514 , subclass 169+.

IX. Claims 26 are drawn to, classified in class 514 , subclass 169+.

X. Claims 28-31 are drawn to, classified in class 514 , subclass 169+.

XI. Claims 32 are drawn to, classified in class 514 , subclass 169+.

XII. Claims 33 are drawn to, classified in class 514 , subclass 169+.

XIII. Claims 34 are drawn to, classified in class 514 , subclass 169+.

XIV. Claims 35 are drawn to, classified in class 514 , subclass 169+.

If applicants want to elect the invention other than those cited above, they may elect a species and Examiner will build a subgenus falling in the species for examination.

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The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Group I-XIV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown:---

In the instant case the product as claimed can be made by a materially different process.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification restriction for examination purposes as indicated is proper.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by

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their different classification and of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from any group for search purposes, even though this requirement is traversed.

5. A telephone call was made to Attorney LeeAnn Gorthy on 10/18/00 to request an oral election to the above restriction requirement, but did not result in an election being made.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventor ship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

8. It is suggested that in order to advance prosecution, the non elected subject matter be cancelled when responding to this office action.

Telephone Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabiha N. Qazi, whose telephone number is (703) 305-3910. The examiner can normally be reached on Monday through Friday from 8 a.m. to 6 p.m. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

6/29/01



SABIHA QAZI, PH.D
PRIMARY EXAMINER